

THE DAILY BEE

COUNCIL BLUFFS,

OFFICE, NO. 12 PEARL STREET.

Delivered by Carrier in Any Part of the City at
Twenty Cents Per Week.
H. W. TILTON, MANAGER.
BUSINESS OFFICE, No. 43,
NIGHT EDITOR, No. 23.

MINOR MENTION.

N. Y. Plumbing Co.
New spring doors at Reiter's.
The greatest mind-reading has arrived.
Regular meeting of the board of trade this evening.

Wanted—A good harness maker, at once, by Theo. Beckman, 305 Main street.
Kirkland's jewelry store is being improved to the extent of a new plate glass front.
Colorado and West Virginia coal, best Marble Head line at C. B. Lumber Co., 900 Main St., Tel. 257.

The Ogden begins to show active signs of the promised revival. Work on the kitchen was begun yesterday.

The contract for putting the elevator into the Ogden house has been let to the Crane Manufacturing company of Omaha.
The grand jury reassembles to-day. A large batch of criminal business is on hand for their consideration and disposal.

H. S. Terwilliger is about to move his commission office to No. 13 Main street. This place is more central than the first location and for this reason more desirable.

R. H. Collier is about moving from his place of business at No. 223 East Broadway. He has formed a partnership with Harry Shaw at 105 East Broadway and will move to that number.

L. B. Harrison is preparing to open a barber shop at No. 123 East Broadway. For the benefit of that part of the city. He is well known in the city and will doubtless get a good patronage.

Last evening Charles Cottrell and Ed. Van Buren were taken to the county jail, to await the action of the grand jury, as no sureties could be found who would go upon their bail bonds.

Mr. Fred Keller very kindly assisted the choir at St. Francis Xavier's church in the Easter service. He has an excellent tenor voice, and it added greatly to the pleasing effect of the services.

The "Rink" very stable has passed into the hands of Harvey Pontius, who will hereafter conduct the business. W. T. Chittenden, former proprietor, will devote his entire time to developing the business of the Ogden house stables.

There was a report on the streets last evening that the Dodge light guards had been ordered out, to go to Creston to suppress the disturbance. An investigation failed to discover any foundation for the rumor, as no orders of the kind were issued.

T. D. King & Co., the cigar manufacturers, are preparing to extend their business. They have leased the room on Broadway formerly occupied by Bulfinch's meat market, and will, within a few days, occupy it with a factory and retail store. They will also continue business at the old stand.

Frank Levin has decided not to discontinue his up town factory, but will run both that and his new one. Factories and retail salarooms will be at both places. He expects to get the new factory operating within two weeks, as by that date the new fixtures will arrive. These are being made at Quincy, Ill.

The finishing lumber for the government house is now in the city. The various rooms above the first floor. The marble men have nearly finished laying the tiling in the two main halls. The carpenters have made a good beginning on the work on the fourth floor. The plasterers vacate this week.

Mrs. Francis Tamsen died yesterday, aged eighty-one years. She was born in France, December 24, 1807, and in her eighteenth year removed to New York and in 1855 to Iowa. She was the mother of thirteen children. Her residence has been in Harrison county for thirty-three years. The funeral will take place from her residence, with services at St. Patrick's church, Wednesday. The remains will be interred in Honey Creek cemetery.

Piles cured with certainty. Drs. Moser & Van Ness, Council Bluffs, Ia.

Latest novelties in the Star shirt waists at John Beno & Co.'s.

A Rather Complicated Case.
Justice Shurz has a case pending in which are several rather curious complications.

William B. Huber, of Omaha, was at one time an employee of the Union Pacific railway company, and while in that employ he contracted a conveyance bill with Jacob Schiller, also of Omaha, to the amount of \$28.25. While he was thus employed a writ of attachment was issued in Justice Shurz's court. Previous to this an attachment was issued by an Omaha court which was dissolved when the case came on for trial. Then came the filing of the case here and the issuance of the attachment. This hearing will not be had for sixty days. In the meantime proceedings of injunction by Huber against Schiller and the railroad company yet pending. The railroad company has discharged Huber, but has kept his money and the court will then they are ordered by the court to pay it over to some one else.

Has There! Look Now.
The finest line of spring suitings ever shown in the city. Few patterns and splendid goods. Also an elegant line of pant patterns at reduced prices. Come and see. A. Reiter, 310 Broadway.

Call and see the newest styles of boys' knee and kilt suits at John Beno & Co.'s.

S. B. Wadsworth & Co. loan money.

Catch On to This.
Mr. Charles Probst is prepared to supply you with a harness the equal of any on earth. Fine work and harness novelties a specialty. Single, double and truck also a good line of farm work. A complete stock of gent and ladies' riding saddles, driving boots, robes, all kinds of whips, etc. Give him a call.

The District Telegraph Rooms.
The district telegraph company has assumed a new form. By a deal which took place recently Messrs. F. Rohrer, George Metcalf, F. J. Day, S. H. Foster and M. B. Brown have been elected directors. The offices are filled as follows: George Metcalf, president; S. H. Foster, vice president; F. J. Day, treasurer; M. B. Brown, secretary. Charles Hargrave has been secured for the office management. This equipped the service will take on a new life and the business crowded to its utmost. The company has now 200 branches and applications for seventy-five more. These cannot be supplied at present, as the two circuits, which now constitute the service, are still. Another circuit will be added shortly, which will reach and accommodate the best residence portions of the city.

Remember that Robinson's domestic bread, if not the cheapest, is the best bread in the market. Leave your order and address at 906 South Main street and try it.

To-Morrow Evening's Recital.
Prof. Baeten's first students' recital will take place at Mueller's hall, Main street, to-morrow (Wednesday) evening, in which the following persons will appear in numbers: Misses Mattie and Katie Palmer will sing two duets and other songs. Miss Pearl Chamberlain will play Weber's Rondo Brillante and a movement of Mozart's sonata with Prof. Baeten. Mrs. Blanche Morten will sing two songs with violin obligato. Mrs. Frank Haddock will play a Tarantella for the flute, composed and dedicated to him by Prof. Baeten. The recital will close with a song by the "Syrk on Blauvelt" club. This will include two movements of Mozart's symphony in G minor. Miss Bella Robinson will preside at the piano.

Money at low rates on first-class farm security. Bureau, Tully & Co., 105 Main street.

For all female diseases consult Mrs. Moser & Van Ness, opera house block, rooms 4 and 5, Council Bluffs. Correspondence solicited.

GIVEN A FIGHTING CHANCE.

Judge Aylesworth Allows the City to Defend Fairmount Park.

THE EVENING ENTERTAINMENTS

The Catholic Bazaar Opens Well—The City Council's Free Show—Striking Engineers Pay Their Fare on the Q.

The Fairmount Park.

In the superior court yesterday morning Judge Aylesworth rendered his decision on the motion in the Fairmount park cases. The private parties who are seeking to wrest this beautiful park from the city began last night with Jason Walker vs. John A. Frahm and William Second, and vacated and his title to the land quitted. The defendants are all non-residents, and it appears that the plan was to secure a judgment against them, they not paying any attention to the suit, having practically no interest in it. Such a judgment would strengthen the claims of these private parties to the park. The city is, of course, the real defendant, and the city attorney sought to have the city made defendant in this case. Judge Aylesworth decided that he could not rule the other alleged defendants entirely out of court and that the city should be allowed to fight the case as one of the defendants. The decision is an important one. After quoting a portion of the code applicable to the case, the opinion says:

"The foregoing constitute all the general provisions under the code applicable to the making of parks in a city. The provisions, except some code rules which are applicable to specific cases. They express substantial rights of the city in the park, and the courts in applying them have been guided by that practice, and the former decisions of the courts of chancery.

"The rule in equity is that every person who is interested in the subject matter of the suit must be a party to it, in order to enable the court to settle the rights of all and make final decree on the subject. As stated by some authorities, 'That all persons who are entitled to litigate the same question, are necessary parties to a suit to determine them.'

"It is a well established rule in equity, that a court will not make a final decree upon the merits of a case unless all persons essentially interested are parties. 'Where the court can perceive that necessary and indispensable parties are wanting, even though no objections taken by either side, it has the prerogative duty of the court on the hearing, or at any stage of the suit, to order such persons to be made parties, in order to avoid a multiplicity of suits.' The foregoing rules are well established by authority. In this case the plaintiff seeks to have a decree vacating that plat, which of course will vacate all the divisions, lines of lots, and all attempts to be established by the plat.

"Looking at this case from the statements in plaintiff's petition, the city has an interest in the maintenance of the plat for the purposes of municipal taxation, and also to maintain the streets and alleys within said plat; but looking at the case from the showing made by the city in support of the amendment to the motion under consideration, she has a broader interest than that manifest from the plaintiff's petition, in that she has the entire title to the whole plat; that she has legally condemned it for a public park, and for several years has occupied it as such. 'It is manifest that she has an interest in this controversy upon which she must be heard before the questions involved in this case can be finally settled by a final decree, hence the city is a necessary party to this suit.

"The question then arises, has she the right to be made defendant, or is she compelled to become a party by intervention? The question is somewhat complicated by the fact that she filed a petition for intervention in this case prior to the time of making application to be made a defendant. It is contended that the city has selected her position by seeking to intervene in the case, that she cannot now ask the court to make her a defendant.

"An intervenor in a case can set up in his petition all the claims he has as fully as he can as a defendant, and can introduce evidence as fully as can a defendant, but under the statute an intervenor has no control over the time of the trial of the case; an intervenor must wait to proceed when plaintiff and defendant are ready.

"If the showing made by the city is based upon facts, she is not only a necessary party, but a principal one; she is, if the showing is true, the only party who has an interest in the case. A defendant, a plaintiff, a defendant, and the city each claim an interest adverse to plaintiffs, and adverse to each other, they are all parties to the case, and the court with the same rights in the control of the case, so that neither can take any advantage of the other.

"It is therefore ordered that the city be made a party defendant upon her own application, and that she be held to plead by which the effort to have the plat vacated is dropped. This move is thought to be for the purpose of having the city deprived of one of the main reasons for being allowed to be a defendant.

Lot 10, block 7, Bayliss' first addition, with good house, will be offered cheap for the next ten days by S. B. Wadsworth & Co., 230 Main st. It is a bargain for any one.

See notice to builders. Another column.

In Police Court.
In police court yesterday Jake Shope, Ed. Mode and John Larson, for drunkenness, contributed \$10 each. Charles Cottrell and Ed. Van Buren were tried on the charge of burglary. They are charged by a house that sells goods on the installment plan. Some months ago a lamp was sold James Allen, who lives on Lower Broadway. In the evidence it appeared that Allen was in arrears in his payments, and had given orders to the house for the lamp to be taken away. The proprietor sent these defendants, who got the lamp. Mrs. Allen was present when the removal took place, but the husband was absent. After hearing the testimony the court held them to answer to the charge of malicious trespass. Their bonds were fixed at \$100 each, and they will answer to the charge before the grand jury.

Decision was rendered in the case of Rosenthal & Co. Miller. A portion of the Cross bill was allowed. The amount sued for was \$28.77, and nearly this amount is realized to the plaintiff by this decision.

The case vs. George Gersbach, publisher was called, but the witnesses for the state failed to respond, and the case was postponed until Wednesday at 10 o'clock a. m.

Drs. Moser & Van Ness cure private diseases. Rooms 4 and 5, opera house block. Telephone 273.

If there are twelve Domestic sewing machines sold from this office within the next ten days, either for cash or monthly payments, we will donate the entire proceeds of the twelfth sale to St. Bernard's and the Cottage hospital, each receiving an equal share. Domestic parlors, 105 Main street.

Wanted—To lease, a furnished house, ten to fifteen rooms. Inland, of Johnston and Van Patten, 23 Main street.

The German Catholic Bazaar.

The opening of the German Catholic ladies' bazaar last evening, in the temple hall, was a most successful one. The attendance was very good, and judging from the opening night the week will afford the public an enjoyable season, and will result in great financial benefit to the church society.

The entertainment last evening was of a musical nature. The St. Cecilia quartet furnished several numbers, and the well known reputation of these sweet singers was fully sustained, and the participants acquitted themselves well. Mr. Frank Westcott, who

has a wonderfully sweet tenor voice, gave some pleasing songs. There was some excellent vocal music also furnished by two voices not so familiar to the audience here. Mrs. Ida and Miss Feilgenstein. Mrs. Keating rendered a very pleasing opening number.

There are numerous articles displayed, many of which are new and before the eyes of the week. Among these are the most noticeable is the elegant lantern, the richest ever seen in this city, it being of gold and silver, and set with brilliant stones. It is awarded to the most popular yardmaster in the city.

This evening the charming opera of "Graham's Birthday" will be given by the children of St. Peter's church, under the management of Mrs. James F. Dillon, the organist of St. Peter's. This will be the special attraction of the evening.

Madam Blanch, the great mind-reading, is very highly spoken of by the many who have seen her. She is a fortune-teller of the age. She is pleasantly located at the Scott house, Main street. If there is anything you are worried about, call on her. She can tell you what it is.

City Council Proceeding.

The city council met last evening in regular session. Present, Mayor Rohrer, Aldermen Bellinger, Nopher, Lacy, Metcalf, Weaver and Waterman.

In the bills presented was one by R. T. Fair for \$1,000 as payment for damages received by a fall from the bridge on Benton street. It was referred to the city attorney. The Herald bill for \$40, for printing the mayor's message, and the Globe printing company's bill of \$400, were referred to the finance committee. Bill of C. D. Davon was also referred. The monthly watch, with these exceptions, were allowed.

On the suggestion of Alderman Metcalf the mayor stated that he would refer the monthly bills would be considered by the appropriate committee instead of being read in detail in council.

Petition of property owners for a brick sidewalk on Broadway between Eighth and Ninth streets was referred.

Petition of property owners on Park and Graham avenues for sidewalks, and sidewalks on these streets were rescinded. Filed petition of C. H. Judson, for remission of tax on property in Glendale addition. Filed. Sanction of Mrs. Ann Cleaton.

Petition of property owners that a hydrant be put and water mains be laid on Third avenue was referred.

Petition of Elizabeth Cronin for remission of all taxes was referred. Various others followed the same course. Petition of Brown & Myers, petition of W. W. S. Kelline was referred to the city engineer. Petition of Alice M. Wilson was referred to the city attorney. Petition of various property owners for remission of tax on the grading. Granted. Said petitioners to file the proper bond. Petition of F. Myers for \$800 damages to property on account of change of grade. Laid on file.

Bill of sisters of St. Bernard's hospital for \$30 to pay for city patients was allowed. Monthly reports of city officers received and placed on file. The annual report of the chief of police was referred to the police committee.

Noblist styles in spring overcoats at John Beno & Co.'s.

A full line of crockery and glassware at Lund Bros., No. 1 Main street.

The Motor Line.

Work on the motor line is progressing quietly, and the crossings over the Washburn and the "stock track" of the Burlington are already in place. The line now has a continuous track from the south side of the Milwaukee tracks on Ninth street to Lake Manawa and from the north side of the "Q" tracks to Broadway. The motor track is all laid between the tracks of the Burlington and Rock Island and Rock Island and Burlington, and as soon as the crossings of these three roads are in place, the motor line will be complete. Mr. Brock yesterday surveyed the proposed crossing at the Milwaukee, and found that the lines will cross at nearly right angles.

Union Abstract company, 230 Main street.

E. H. Sheefe loans money on chattel security of every description. Private consulting rooms. All business strictly confidential. Office 500 Broadway, corner Main street, up-stairs.

Personal Paragraphs.

Arch Coffman, of Avoca, is in the city. W. E. Burton, of Red Oak, was a visitor in the city yesterday.

Hon. A. W. Wyman, one of this county's legislators, was in the city yesterday.

A. A. Russell, a prominent merchant of Glenwood, Ia., was in the city yesterday.

James J. Smith, of Woodbine, and T. E. Alderson, of Creston, visited the western Iowa metropolis yesterday.

Mr. H. H. Hargrave, a prominent merchant of Delaware, Ind., to visit relatives.

Mr. J. W. Merrill has disposed of his interest in the Egyptian restaurant, and now resides over the lunch counter at the Rock Island depot.

Shenfe loans money on real estate.

Strikers Take a Trip.
Several of the "Q" strikers whose homes are left here Sunday will visit their families. They took passage over the "Q" behind "scab" engineers, and paid full fare the same as other passengers.

Travelers! Stop at the Bechtel.

Royal Arcanum.

Parties wanting carriages for the party can be accommodated at Ogden stable. Orders received either by telephone or personally. W. T. Cole, Proprietor.

OFF ON A SPREE.

He Takes a Granger's Coin, and, Thinking He Has Lost It, Threatens to Sue.

San Francisco Chronicle:—The want to see a lawyer called a young man as he rushed wildly into an office in a Kearny street law firm one day last week. "You're a lawyer, are you? Then tell me what I'm to do. Let me see you alone somewhere and and tell me what I'm to do. With this the attorney led the excited young man into a side room, where was poured into his ear the following tale:

"I ain't no city chap; you see that. No, I'm from St. Louis; Redding is my home. My father kept a hotel there. The old man is good enough as long as he keeps sober, but he has a kind of a habit every once in a while of going off on a regular spree, and then there's the trouble.

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I could think of, and some places I never thought of. I reported to the police station, and I didn't get no clue to him till just now, when the proprietor of the Russ house told me that \$1,000 had been deposited there just last night by the old man till he wanted it. Now, how could he get the money so fast?

Preparations were at once made for the beginning of a fictitious suit and the garnishment of the money. When the facts had been settled on, and nothing remained to be done but the drawing of the papers and their setting work, the young man left, intending to be gone but an hour. Nothing was heard of him, however, for a couple of days, when he again rushed into the lawyer's office, this time wearing a broad smile of triumph and an air of security. He had been out of the office only five minutes on the day previous, he said, when he met a friend who had seen the father that afternoon in a Kearny street saloon.

From this place he had gone, but the father thought he knew where he could be found. So from place to place he kept tracing the "old man" that weary night, until he himself became weary and fell asleep in a Sacramento street saloon. He was awakened by the gruff voice of his father calling for drinks. The father did not know his son and muttered to himself a great deal. He seemed excited and anxious to drown his trouble in deep potions. He talked of committing suicide, raved about being robbed and threatened the direst deeds on himself and every one about him. He seemed to labor under the idea that he had been robbed of \$1,000 which had been entrusted to his possession, and he insisted on thinking that he might put off as long as possible the matter of the money, but at last he was taken to a lodging house and went to sleep. When he awoke the vague sense of a terrible wrong done still haunted him. He looked in his pockets for his money, but found none and was distressed, for he knew that he had taken money that did not belong rightfully to him. The matter was made plain to the distracted man, however, after a little time, and the father and son went to the Russ house, where the money was obtained.

Lost—"I don't know where, I can't tell when, I don't see how—something like that, I don't know, and the return of which shall be truly thankful, viz.: a good appetite."

FOUND—"Health and strength, pure blood, an appetite like that of a wolf, regular digestion, all by taking that popular and peculiar medicine, Hood's Sarsaparilla. I want everybody to try it this season." It is sold by all druggists. One hundred doses one dollar.

RESCUE OF NEW SOUTH WALES.

An American Who Will Rid the British Possessions of the Rabbit Plague.

A Chicago Tribune special says that Eugene Lynn Spotts of New York left for San Francisco on the Chicago-bound western train yesterday morning. His baggage consisted of three ponderous trunks and two queer looking oaken boxes in the top of which were small holes which set all the baggage men guessing as to their contents. The boxes now have a continuous track from the south side of the Milwaukee tracks on Ninth street to Lake Manawa and from the north side of the "Q" tracks to Broadway. The motor track is all laid between the tracks of the Burlington and Rock Island and Rock Island and Burlington, and as soon as the crossings of these three roads are in place, the motor line will be complete. Mr. Brock yesterday surveyed the proposed crossing at the Milwaukee, and found that the lines will cross at nearly right angles.

The owner of the curious baggage was formerly a clerk in the McCreary & Co. office. He is en route to Sydney, New South Wales, on a strange mission, and if successful he will return to America with \$50,000 sterling and the undying gratitude of an afflicted people. About two years since Mr. Spotts made an extensive tour through Australia and New Zealand and became interested in the wonderful country. The young American tried his hand at finding a remedy for the rabbit plague which has cursed New South Wales for years with no success beyond ending the lives of several hundred of the long-eared pests. For six months he studied the habits of the rabbits carefully, and finally, after making many experiments, discovered that the rabbit would not eat will them but would cause the animals to shrivel up almost immediately after death.

This plan was unsuccessful because the cost of the preparation was great, and it was impossible to distribute the poison so that it would have any permanent effect. Ever since he returned to this city Mr. Spotts has been studying rabbit life, and some three months since discovered a disease in tame rabbits which is fatal in all cases, but does not cause death for days. By a system of inoculation he has inflicted upon his apparently harmless traveling companions this malady, and they are to be used as a medium of exterminating their Australian brethren. Mr. Spotts claims the distinction of being the first American who has ever taken a hand at the job. Mr. Spotts' discovery is a purely rabbit disease, and cannot by any possibility be communicated to human beings. He has been in correspondence with Sir Harry Musgrave, premier of New South Wales, for some time, and had several personal interviews during which he informed the baronet of his intentions to rid the Sydney district of the pest. The premier has sent for Mr. Spotts officially. All his expenses over and back are guaranteed. Mr. Spotts will stop at Chicago to meet a number of friends of his at St. Louis, Mo., of which latter city he is a native and will then proceed directly to San Francisco.

Last evening a few intimate acquaintances tendered Mr. Spotts a farewell reception at his residence here and presented him with a silver mounted cane, the head of which was adorned with a gravestone, and between two rabbit heads the name of the recipient and the inscription: "From His Friends in New York Who Love Rabbit Stew."

The Bell Graphophone.

One of the reporters of the house of representatives has been experimenting for two days past with Alexander Graham Bell's graphophone, and if it continues to operate as successfully as it has operated in these last two days it promises to be of great assistance in reporting the debates of the house. The graphophone is an improved phonograph, that is, its inventors claim that it carries out practically all that was promised for Edison's wonderful scientific toy. In reporting the debates of the house two sets of stenographers are used—one on the floor and one in the reporters' room down stairs. One of the official reporters follows a debate for a certain length of time, when he is relieved by another reporter, who takes up the thread where he drops it. The reporter who is relieved goes downstairs and reads his notes to another stenographer, who takes it all down in shorthand and then copies it off. The reporter who takes the debate does none of the work in transcribing. In using the graphophone, the reporter sits in front of the machine, which he operates by a tread as he would a sewing machine. Into his mouth he reels off the debate he has reported much more rapidly than he

could deliver it to another stenographer. When he has read off all his notes he returns to the floor to continue his work. An assistant then sits down at the machine, removes the receiver and attaches a transmitter with two earpieces which he straps to his head. The cylinder is returned to the starting point, and the assistant, working the machine with his feet, reads out the debate, which, as he listens, is put on paper.

SPECIAL NOTICES.

NOTICE.
SPECIAL Advertisements, such as Lost, Found, To Loan, For Sale, To Rent, Want, Boarding, etc., will be inserted in this column at the low rate of TEN CENTS PER LINE for the first insertion and Five Cents Per Line for each subsequent insertion. Leave advertisements at our office, No. 12 Pearl Street, near Broadway, Council Bluffs, Iowa.

WANTED.—Situation as millinery trimmer; can give good city references. Address A. B. Office.

WANTED.—A girl to do general housework; small family, kitchen conveniently arranged. 709 Sixth avenue.

WANTED.—All to know that Mrs. Blanch, the greatest mind reader and fortune teller in the world, has arrived in the city and taken parlors at the Scott House.

WANTED.—Place to keep 20 to 40 horses and trailers within twenty miles of Council Bluffs or Omaha; timber land will do. Address 618 Washington avenue, Council Bluffs.

FOR SALE.—Very cheap for cash or would exchange for Council Bluffs or Omaha property, a retail stock of boots and shoes valued at \$5,000. Call at store No. 529 R. 13th St., Omaha, or address R. Martin, same place and number.

FURNITURE.—Bought, sold and exchanged; also storage and commission in good, light, airy, fire-proof building. Inquire at store No. 10 North 13th St., R. Martin, Omaha, Neb.

UPHOLSTERING and Furniture repairing done neatly and promptly; work guaranteed. Household goods and furniture bought and sold. L. M. Lewis, No. 110 North 13th St., Omaha.

FOR SALE.—At a bargain, 40 acres near stock yards, South Omaha, Neb., Johnson & Johnson, Room 35, Chamber of Commerce, Omaha.

WANTED.—Stocks of merchandise. Have Omaha and Council Bluffs city property, also western land and exchange goods, at our address Johnson & Johnson, Room 35, Chamber of Commerce, Omaha.

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